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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 000777

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TAGS: [PHUM](#) [PREL](#) [RP](#)
SUBJECT: COMBATING UNLAWFUL KILLINGS

REF: MANILA 683 AND PREVIOUS

Classified By: Ambassador Kristie A. Kenney, reasons 1.4 (b) and (d)

¶1. (C) Summary. Embassy continues actively to engage the Philippine government to encourage more effective action to bring to justice those involved in unlawful killings, and to seek additional ways in which the USG can be helpful. End Summary.

¶2. (C) In a March 5 meeting with the members of the Presidentially-appointed Melo Commission on unlawful killings, Ambassador and Pol/C underscored USG concern over this issue, described U.S. efforts additionally to be of assistance to the Philippine government (reftel), and asked about the Commission's next steps. Justice Melo confirmed that President Arroyo had formally requested the Commission to continue its mandate, but indicated that the members expected to wrap up their involvement by June 30. Justice Melo noted that the leftist human rights group Karapatan had now agreed to meet with the Commission, a welcome change from its earlier, unhelpful attitude. He did not indicate when this would take place, however. He and other Commission members reiterated a call for President Arroyo to issue an even more explicit denunciation of unlawful killings by members of the armed forces to ensure that the entire chain of command understood that such incidents must stop now and that any and all culprits will indeed face justice. Justice Melo acknowledged the recent issuance of a welcome new directive from Armed Forces of the Philippines Chief of Staff General Esperon outlining chain of command responsibilities.

¶3. (U) On March 5, Executive Secretary formally instructed the Secretary of Budget and Management to release 25,000,000 pesos (approximately USD 500,000) to the Philippine Commission on Human Rights to expand its ability to monitor, investigate, and train.

¶4. (U) On March 7, President Arroyo instructed the Department of Justice and the Presidential Human Rights Committee to prioritize cases for trials by the special courts that the Supreme Court recently designated to handle killings of political activists and journalists. In a statement, President Arroyo said that "cases that are strong enough to be brought to court should be prosecuted effectively and immediately to instill confidence in the process we have put in place," while emphasizing that "due process is the watchword as we bring these killers to justice."

¶5. (C) Pol/C met on March 5 with the head of the AFP's new Human Rights Office, Lt. Col. Benedicto M. Jose. Jose is an attorney who received specialized human rights training while serving as a Military Legal Advisor to the UN Peacekeeping Operation in Cote d'Ivoire. (Embassy subsequently nominated

Lt. Col. Jose for our FY 08 International Visitor Leadership Program.) Lt. Col. Jose explained how he and his eventual staff of 20 (including five civilians) will coordinate both with the AFP's Provost Marshal and the Philippine Commission on Human Rights to investigate allegations of human rights abuses by AFP personnel or units, and expressed satisfaction about the Embassy's extensive cooperation with the Commission on Human Rights to vet, under the Leahy amendment, all military and law enforcement personnel receiving USG-funded training. He confirmed that civilian courts, not military courts martial, would try any AFP personnel against whom there was sufficient evidence to file criminal charges. He highlighted that the AFP's 2005 revised Code of Ethics explicitly mandated that the AFP "shall respect the inherent dignity of a human being and his inalienable rights as contained in the 'Universal Declaration of Human Rights' and other declarations to which our country is a signatory. As such the AFP shall pledge itself to protect and promote these rights." He confirmed that his office would undertake training on this responsibility directly as well as in coordination with local NGOs and the ICRC. He insisted that his office would be a "strong human rights advocate" and not a "protector" of AFP personnel, emphasizing that "the best propaganda is truth with justice." He claimed that since he works directly for the Chief of Staff, he has the clear authority to interrogate any field commander, regardless of rank, and said that he had already done so. He said that he did not yet have any statistics on how many ongoing new or old cases of unlawful killings may involve AFP personnel, but promised to update the Embassy as the office's operations advance. Pol/C expressed Embassy's willingness to look for ways to be helpful.

16. (C) In a meeting on March 8, Presidential Chief Legal

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Counsel Serge Apostol (whom President Arroyo designated as the point person to follow up on the recent directives -- reftel -- to combat unlawful killings more effectively) told Pol/C that some legal cases involving unlawful killings were nearing completion soon, with probable convictions. He confirmed that he was working with the Supreme Court to expedite the handling of ongoing or new cases to ensure that culprits face justice as quickly as fairly possible, and indicated that the courts were likely to undertake continuous trials (not the norm in the legal system here).

17. (C) The new Presidential Human Rights Committee Executive Director Cecilia "Coco" Quisumbing told Pol/C in a separate meeting at Malacanang Palace on March 8 that President Arroyo's instructions to her Cabinet were strong and explicit in demanding all relevant government agencies take immediate steps to combat unlawful killings and to bring culprits to justice regardless of who they were. She emphasized that the designation of Executive Secretary Ermita as the new formal head of the Committee would ensure top-level attention from the relevant Cabinet Secretaries who sit on the Committee as well. She expressed appreciation for the various actions the USG had taken in support of Philippine efforts to resolve these cases, and a strong willingness to work closely together in the future.

18. (C) In a follow up to the in-house meeting Ambassador chaired on March 1, Embassy's Pol-Mil Working Group on March 7 discussed further steps various agencies and sections could take. In addition to the ongoing human rights component built into all of our military exercises and training, our Joint Special Operations Task Force team will work to expand human rights training specifically for Task Force Comet engaged in Operation Ultimatum on Jolo Island. Other inter-agency teams will engage with AFP commands in Davao, Bicol, and Central Luzon -- where there have been allegations of involvement by AFP personnel in unlawful killings in recent years -- on human rights training and command responsibility.

¶9. (C) Embassy's Justice Attache is now finalizing arrangements to bring a USDOJ prosecutor specializing in command responsibility to conduct a two week training course, probably in April 2007, for Philippine prosecutors and investigators in areas with high incidences of unlawful killings. Embassy's Senior Law Enforcement Advisor will tap existing INL funds for this project, which Presidential Human Rights Committee Executive Director Quisumbing strongly welcomed. Legatt will coordinate FBI trainers, while the Naval Criminal Investigative Service will bring out a military prosecutor to participate in the training, along with trainers from DOJ's ICITAP.

¶10. (C) JUSMAG is encouraging Department of National Defense officials to place stopping unlawful killings and bringing culprits to justice as central themes in President Arroyo's speech to the Philippine Military Academy's graduation ceremony on March 19. Ambassador emphasized this theme in her own earlier remarks at PMA, as well as recently at the National Defense University and at other events with military leaders (i.e., "Night of the Generals").

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